

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA,	:
	:
Plaintiff,	: ECF CASE
	: 12 Cr. 125 (JSR)
	:
vs.	:
	:
DOUG WHITMAN,	:
	:
Defendant.	:
	:
-----	X

**NOTICE OF DEFENDANT DOUGLAS F. WHITMAN'S MOTION
IN LIMINE FOR A RULING AND JURY INSTRUCTION ON
THE FIDUCIARY DUTIES OWED TO A COMPANY AND ITS SHAREHOLDERS**

PLEASE TAKE NOTICE that the undersigned, on behalf of defendant Douglas F. Whitman, will move this Court before the Honorable Jed S. Rakoff, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, at 5:30 p.m. on July 25, 2012, for a ruling and jury instruction on the fiduciary duties owed to a company and its shareholders. The grounds for this motion are more fully set forth in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that the Government shall serve and file any opposition papers on or before July 23, 2012.

Dated: July 16, 2012

Respectfully submitted,

s/ David L. Anderson

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Attorneys for Douglas F. Whitman

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2012, I caused a true and correct copy of (1) Notice of Defendant Douglas F. Whitman's Motion in Limine for a Ruling and Jury Instruction on the Fiduciary Duties Owed to a Company and its Shareholders; (2) Memorandum of Law in Support of Defendant Douglas F. Whitman's Motion in Limine for a Ruling and Jury Instruction on the Fiduciary Duties Owed to a Company and its Shareholders; and (3) a Declaration of David L. Anderson in Support of Defendant Douglas F. Whitman's Motion in Limine for a Ruling and Jury Instruction on the Fiduciary Duties Owed to a Company and its Shareholders, and accompanying exhibits; to be served via ECF filing notification on the following counsel of record:

Jillian Berman, AUSA
Christopher LaVigne, AUSA
United States Attorney's Office
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007

Dated: July 16, 2012

/s/ David L. Anderson

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